



California State Board of Pharmacy
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STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GRAY DAVIS, GOVERNOR

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF PHARMACY
SOUTHERN COMPLIANCE COMMITTEE MEETING
MINUTES**

DATE: March 20, 2002

TIME: 10:00 a.m. – 3:00 p.m.

LOCATION: Department of Toxic Substance Control
5796 Corporate Avenue
Cypress, CA 90630

BOARD MEMBER

PRESENT: Stanley Goldenberg, Chairperson
John Jones, Board Member
David Fong, Board Member

STAFF

PRESENT: Robert Ratcliff, Supervising Inspector
Judith K. Nurse, Supervising Inspector
Valerie Sakamoura, Pharmacy Inspector
De'Bora White, Pharmacy Inspector
Linda Kapovich, Enforcement Analyst

ALSO

PRESENT: Kenneth Lee Stein, RPH, PIC
Paul Knerr, Director of Pharmacy
Wayne Anthony Elder, RPH, PIC
Dung Ngo Owen, RPH
Jon R. Kurtin, Esq., Partner
Ismail KeeKeeBhai, Pharmacy District Manager
Richard Martlnad, Attorney at Law
Dong Hawn Kim, RPH, PIC
Keith Chung, RPH, former PIC
May Yam, RPH
JooHwa Park, RPH
James Mc Fadden, RPH
Vicken A, Gulvartian, RPH, PIC, Parner

William Wong, RPH, PIC
Pat Abe, Regional VP Operations
Mongthu Pham, RPH, PIC
Tuan Si Tran, RPH, former PIC
Dung Xuan Pham, RPH, President
Michelle Mai Nguyen, RPH, ESQ.
Steven Robert Akana, RPH, PIC
Leon Abela, Operations Manager
Selwyn S. Pomerance, RPH, PIC, President

CALL TO ORDER

Chairperson Stanley Goldenberg called the meeting of the Southern Compliance Committee to order at 10:00 a.m.

A. APPEARANCES REQUIRED

1. Kenneth Lee Stein CI 2000 21163
RPH 38500, PIC

Vons Pharmacy #2175
La Quinta, CA
PHY 43059

Paul Knerr, Director of Pharmacy

Kenneth Stein stated that he was not the dispensing pharmacist. The dispensing pharmacist was Leonard Spitzer.

The committee stopped the proceedings and informed those present that this matter will be rescheduled for a time when all parties involved could be present.

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2. Wayne Anthony Elder CI 2000 20989
RPH 28562, PIC

Dong Ngo Owen
RPH 43197

Ralph M. Defay
RPH 31725, President

Med Express
Hemet, CA
PHY 41516

Jon R. Kurtin, Esq., Partner

Wayne Anthony Elder, Dung Ngo Owen, Ralph M. Defay, and Med Express, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Wayne Anthony Elder, and Dung Ngo Owen dispensed Proscar on a prescription calling for Provera.

On January 4, 2002, letters of violation were issued to Wayne Anthony Elder, Dung Ngo Owen, and Med Express, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulation section 1716 – Variation from a prescription.

Ralph M. Defay could not be present for this meeting, and appointed Jon R. Kurtin, Esq., to represent the pharmacy.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Fong

The committee accepted the appearance of Wayne Anthony Elder, Dung Ngo Owen, and Med Express; (a) the matter will be made a part of the record of Dung Ngo Owen, RPH 43197; (b) the matter will be made a part of the record of Med Express, PHY 41516; (c) submit a written policy and procedures including a quality assurance program to the board within 30 days; (d) A follow up inspection is ordered within 30 days to ensure compliance with all pharmacy laws. No further action will be taken at this time.

3. Dong Hawn Kim
RPH 51022, PIC

CI 2000 21143

Keith Chung
RPH 50486, former PIC

May Yam
RPH 45023

JooHwa Park

RPH 42530

Rite Aid #5452
Los Angeles, CA
PHY 42210

Ismail KeeKeeBhai, Pharmacy Development Manager
Richard Martland, Attorney at Law

Dong Hwan Kim, Keith Chung, May Yam, JooHwa Park, and Rite Aid #5452, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that a telephonic prescription was entered into the pharmacy computer incorrectly, which resulted in a prescription error. Glyburide 3mg micronized was prescribed and Glyburide 5mg was dispensed. Additionally this investigation revealed that patient consultation was not provided as required by law.

On September 6, 2001, letters of violation were issued to May Yam and Rite Aid #5452, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1707.2 Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Fong

The committee accepted the appearance of Dong Hwan Kim, Keith Chung, May Yam, JooHwa Park, and Rite Aid #5452; (a) the matter will be made a part of the record of May Yam, RPH 45023; (b) the matter will be made a part of the record of Rite Aid #5452, PHY 42210; (d) May Yam, RPH 45023, is cited and fined \$1,000, for failure to provide patient consultation as required; (e) Rite Aid #5452, PHY 42210, is cited and fined \$1,000, for failure to provide patient consultation as required. No further action will be taken at this time.

4. James Mc Fadden
RPH 44768

CI 1999 18745

Rite Aid #6195
Bakersfield, CA
PHY 43488

Ismail KeeKeeBhai, Pharmacy Development Manager
Richard Martland, Attorney at Law

James Mc Fadden, and Rite Aid #6195, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that James Mc Fadden dispensed Prochlorperazine 25mg on a prescription written for Prochlorperazine 2.5mg for a two-year-old pediatric patient. Mr. Mc Fadden admitted that the prescription was unclear as written and he was not able to and did not clarify the prescription with the prescriber.

On April 3, 2001, letters of violation were issued to James Mc Fadden, and Rite Aid #6195, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1761 – Erroneous or uncertain prescriptions.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Fong

The committee accepted the appearance of James Mc Fadden, and Rite Aid #6195; (a) the matter will be made a part of the record of James Mc Fadden, RPH 44768; (b) the matter will be made a part of the record of Rite Aid #6195, PHY 43488; (c) Submit to the board within 30 days a written report explaining the Rite Aid "RADS" computer system safeguards with regard to pediatric and geriatric dosing precautions, including but not limited to: ages covered, drugs covered, limitations of system, etc.... No further action will be taken at this time.

5. Eric Stafford Johnson CI 2000 21150
RPH 38375, PIC

Walgreen's Pharmacy #2727
Fresno, CA
PHY 38013

Charles Raymond Grove
RPH 37923, PIC

Constant Julian Golondzinier
RPH 25543, former PIC

Wal-Mart Pharmacy #10-2536
Tulare, CA
PHY 42073

This appearance was postponed prior to this meeting of the Southern Compliance Committee, and will be rescheduled at a future meeting.

6. Vicken A, Gulvartian CI 2001 22110
RPH 37354, PIC, Parner

Assadour A. Gulvartian
Partner

Ideal Pharmacy
Los Angeles, CA
PHY 31041

Vicken A. Gulvartian, and Ideal Pharmacy, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that a board inspector observed a non-pharmacist staff member in possession of a key to the pharmacy. The board inspector observed the non-pharmacist staff member used the key to enter the pharmacy without a pharmacist on the premises.

On October 10, 2001, a violation notice was issued to Vicken A. Gulvartian, and Ideal Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4116 – Security of dangerous drugs and devices in pharmacy; pharmacist responsibility for individuals on premises.
- California Code of Regulations section 1714 – Operational standards and security.

Vicken A. Gulvartian stated that Assadour A. Galvartian is deceased. Vicken A. Galvartian stated that when he received his notice to appear at this meeting he sent a letter to the board office to notify him that Assadour A. Galvartian is deceased.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Fong/Goldenberg

The committee accepted the appearance of Vicken A. Gulvartian, and Ideal Pharmacy; (a) the matter will be made a part of the record of Vicken A. Gulvartian, RPH 37354; (b) the matter will be made a part of the record of Ideal Pharmacy, PHY 31041. No further action will be taken at this time.

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7. Angelita L. Quindoy CI 2001 22122
RPH 39327, PIC

Elizabeth Penez Manag
Non-Licensed Owner

Pharma Healthcare Systems
Los Angeles, CA
PHY 42144

This appearance was postponed prior to this meeting of the Southern Compliance Committee, and will be rescheduled at a future meeting.

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8. William Wong CI 2001 21742
RPH 28951, PIC

Sun Plus Home Pharmacy Services
Culver City, CA
PHY 44394

Pat Abe, Regional VP Operations

Pat Abe stated that Mike Tom is the current pharmacist-in-charge.

The committee stopped the proceedings and informed those present that this matter will be rescheduled for a time when all parties involved could be present.

The committee requested the board inspector to revisit the pharmacy before this matter is rescheduled for April 17, 2002.

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9. Mongthu Pham CI 2001 21636
RPH 44052, PIC

Tuan Si Tran

RPH 41846, former PIC

Dung Xuan Pham
RPH 48198, President

Rosa Pharmacy
Rosemead, CA
PHY 41508

Michelle Mai Nguyen, RPH, ESQ.

Mongthu Pham, Tuan Si Tran, Dung Xuan Pham, and Rosa Pharmacy, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that the board inspector observed Mongthu Pham failed to provide patient consultation as required by law. In addition it was revealed that Tuan Si Tran failed to develop written policies and procedures for the pharmacy technicians.

On September 11, 2001, a violation notice was issued to Mongthu Pham, and Rosa Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1707.2 Duty to consult.
- Business and Professions Code section 4051 – Conduct limited to pharmacist; conduct authorized by pharmacist.

On September 11, 2001, a violation notice was issued to Tuan Si Tran for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4051 – Conduct limited to pharmacist; conduct authorized by pharmacist.

On March 6, 2002, a violation letter was issued to Tuan Si Tran, and Rosa Pharmacy, for violation of:

- California Code of Regulation section 1793.7 (e) – Requirements for pharmacies employing pharmacy technicians – written policy and procedures.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Fong/Goldenberg

The committee accepted the appearance of Mongthu Pham, Tuan Si Tran, Dung Xuan Pham, and Rosa Pharmacy; (a) the matter will be made a part of the record of Mongthu Pham, RPH 44052; (b) the matter will be made a part of the record of Tuan Si Tran, RPH 41846; (c) the matter will be made a part of the record of Rosa Pharmacy, PHY 41508; (d) Mongthu Phan, RPH 44052, is cited and fined \$1,000, for failure to provide patient consultation as required; (e) Rosa Pharmacy, PHY 41508, is cited and fined \$2,500, for failure to provide patient consultation as required; (e) Kim Chi Tran, TCH 27869, is cited and fined \$500.00, for unlicensed activity; (f) A follow up inspection is ordered within 90 days to ensure compliance with all pharmacy laws. No further action will be taken at this time.

10. Steven Robert Akana CI 2000 21428
RPH 37198, PIC
Mark L. Baum
President
Classic Care Pharmacy
Los Angeles, CA
PHY 45112

Leon Abela stated that Mark L. Baum resigned five months prior to this meeting, and that he was the VP Operations Manager, and would represent the corporation..

The committee asked if Leon Abela was an officer of the corporation and could encumber the corporation.

Leon Abela responded that he was not and could not encumber the corporation.

The committee stopped the proceedings and informed those present that this matter will be rescheduled for a time when officers from the corporation could be present.

11. Selwyn S. Pomerance CI 2001 21542
RPH 21885, PIC, President
Judith Pomerance
Shareholder
Super Care Drugs, Inc.
Malibu, CA

PHY 44257

Selwyn S. Pomerance and Super Care Drugs, Inc., are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Selwyn S. Pomerance, and Super Care Drugs, Inc. provided dangerous drugs and controlled substances to an unauthorized facility, without a prescription or prescriber authorization. The medications were not labeled with proper prescription labels.

On November 9, 2001, a violation notice was issued to Selwyn S. Pomerance and Super Care Drugs, Inc., for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4119 – Furnish prescription drug to licensed health care facility, security.
- Business and Professions Code section 4076 – Prescription container, requirements for labeling.
- Business and Professions Code section 4059 – Furnishing dangerous drugs or devises prohibited without prescription.

Judith Pomerance was not present at this meeting. Selwyn S. Pomerance stated that Judith is his wife and bookkeeper for the pharmacy.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Fong/Goldenberg

The committee accepted the appearance of Selwyn S. Pomerance, and Super Care Drugs, Inc.; (a) the matter will be made a part of the record of Selwyn S. Pomerance, RPH 21885; (b) the matter will be made a part of the record of Super Care Drugs, Inc., PHY 44257; (c) Within 60 days submit to the board that policies and procedures for servicing residential alcohol and drug treatment center. No further action will be taken at this time.

There being no further discussion the meeting adjourned at 3:00 p.m.